

Human Rights Watch Submission
to the Universal Periodic Review of the Philippines
September 2016

President Rodrigo Duterte took office as president of the Philippines on June 30, 2016. Duterte campaigned on an explicit platform to apply extrajudicial measures, including killings of criminal suspects, to “solve drugs, criminality, and corruption in three to six months.”¹ At his inauguration, he pledged that his administration “shall be sensitive to the state’s obligations to promote, and protect, fulfill the human rights of our citizens...even as the rule of law shall at all times prevail.”² However, Duterte’s pursuit of his self-proclaimed campaign against illegal drugs has entailed the public praise of extrajudicial killings of suspected drug dealers and drug users.³

Philippine human rights groups have linked Duterte’s campaign and often fiery rhetoric to a surge of killings by police and unidentified gunmen since his taking office.⁴ Police have claimed those killed “resisted arrest and shot at police officers,” but have provided no evidence that they acted in self-defense.⁵ These killings have worsened the country’s long-standing problem of impunity for the state security forces.⁶ Internal displacement, attacks on indigenous peoples, violations of reproductive health rights, child labor, attacks on education, violations of freedom of expression, stigma and discrimination related to the HIV/AIDS crisis – these are some of the other key issues confronting the Philippines today.

Extrajudicial Killings

In its last UPR review in 2012, the Philippines government accepted several recommendations on ending impunity for extrajudicial killings (recommendations 129.14, 129.15, 129.16, 129.12,

¹ Phelim Kine, “Philippine President Should Investigate Surging Police Killings,” commentary, Human Rights Watch Dispatch, August 17, 2016, <https://www.hrw.org/news/2016/08/17/philippine-president-should-investigate-surg-ing-police-killings>.

² Phelim Kine, “President Duterte’s Mixed Messages on Rights,” commentary, Human Rights Watch Dispatch, July 25, 2016, <https://www.hrw.org/news/2016/07/25/dispatches-president-dutertes-mixed-messages-rights-philippines>.

³ Phelim Kine, “Philippines President Should Investigate Surging Police Killings,” commentary, Human Rights Watch Dispatch, August 17, 2016, <https://www.hrw.org/news/2016/08/17/philippine-president-should-investigate-surg-ing-police-killings>.

⁴ Phelim Kine, (Human Rights Watch), “Asia’s Shoot-To-Kill-Republic,” commentary, *The Conversation*, July 22, 2016, <https://www.hrw.org/news/2016/07/22/asia-s-shoot-kill-republic>.

⁵ Ibid.

⁶ Carlos H. Conde, “Unending Impunity in the Philippines,” commentary, Human Rights Watch Dispatch, January 19, 2015, <https://www.hrw.org/news/2015/08/19/dispatches-unending-impunity-philippines>.

129.28, 129.30)⁷. However, the killings of activists, peasant and indigenous peoples' leaders, environmentalists, journalists and – especially under the Duterte government -- suspected criminals, persist.

Journalists have been frequent victims of killings.⁸ The National Union of Journalists of the Philippines documented 39 journalists murdered during the administration of Benigno Aquino III. There has not been any successful prosecutions for the Ampatuan massacre in 2009, in which 32 media workers were summarily executed along with 26 local political activists and others by a private militia in Maguindanao province.⁹ Task Force Usig, a unit created by the Philippine National Police in 2007 to investigate extrajudicial killings, has been unsuccessful in pursuing prosecutions in most of these cases, mainly due to the lack of witnesses willing to publicly identify themselves and share information with police.¹⁰

Human Rights Watch has also documented the existence of police-linked death squads in several cities. This includes Davao City, where President Duterte served as mayor for 22 years; the death squad there was operated by local police and government officials and was implicated in the deaths of hundreds of people between 1998 and 2009.¹¹ New information has linked Duterte himself to the killings.¹² A death squad organized by the then-mayor of nearby Tagum City and staffed by gunmen employed by the municipal government's Civilian Security Unit morphed into a guns-for-hire racket that killed at least 300 people from 2007 to 2013.¹³

The new administration has brought an unprecedented level of killing by law enforcement. Police statistics show that from July 1 to August 19, 2016, police have killed an estimated 712 suspected "drug pushers and users."¹⁴ That death toll constitutes a more-than-tenfold jump over the 68 such police killings recorded between January 1 and June 15, a period of over five months. Police statistics attribute an

⁷ "Philippines: Recommendations and Pledges," UPR Info, http://www.upr-info.org/sites/default/files/document/philippines/session_13_-_may_2012/recommendations_to_philippines_2012.pdf (accessed Aug. 12, 2016)

⁸ Phelim Kine, "A Deadly Start to 2015 for Philippines' Journalists," commentary, Human Rights Watch Dispatch, January 8, 2015, <https://www.hrw.org/news/2015/01/08/dispatches-deadly-start-2015-philippine-journalists>

⁹ Carlos H. Conde, "Escaping Prosecution, Philippines' Style," July 20, 2015, <https://www.hrw.org/news/2015/07/20/dispatches-escaping-prosecution-philippines-style>.

¹⁰ Letter from Human Rights Watch to Philippines President Rodrigo Duterte, August 9, 2016, <https://www.hrw.org/news/2016/08/09/letter-hrw-president-rodrido-duterte>.

¹¹ "Philippines: Dismantle 'Davao Death Squad,'" Human Rights Watch news release, April 6, 2009, <https://www.hrw.org/news/2009/04/06/philippines-dismantle-davao-death-squad>.

¹² "Philippines: Independent Investigation of Duterte Needed," Human Rights Watch news release, September 16, 2016, <https://www.hrw.org/news/2016/09/16/philippines-independent-investigation-duterte-needed>

¹³ "Philippines: Death Squad Linked to Hundreds of Killings," Human Rights Watch news release, May 20, 2014, <https://www.hrw.org/news/2014/05/20/philippines-death-squad-linked-hundreds-killings>

¹⁴ Phelim Kine, "Philippine Police Killing Spree Demands Accountability," commentary, Human Rights Watch Dispatch, August 22, 2016, <https://www.hrw.org/news/2016/08/22/philippine-police-killing-spree-demands-accountability>.

additional 1,072 killings of alleged drug dealers and drug users to unknown vigilantes since July 1.¹⁵ Philippine National Police Director-General Ronald Dela Rosa stated that [he did not “condone” extrajudicial killings](#), but he made no indication that those deaths – more than 20 killings a day between July 1 and August 19 – merited urgent investigation.¹⁶ No investigations are known to have occurred.

Duterte has ignored calls for an official probe into these killings.¹⁷ Instead, he has praised the killings as proof of the “success” of his anti-drug campaign and urged police to “seize the momentum.”¹⁸ Key senior officials have endorsed this view. In July the Philippine National Police chief, Director-General Ronald dela Rosa, rejected calls for an investigation as “legal harassment,” saying it “dampens the morale” of police officers. ¹⁹ Duterte’s top judicial official, Solicitor-General Jose Calida, also defended the legality of the killings and opined that the number of such deaths was “not enough.”²⁰

On the recent surge in extrajudicial killings, the Philippines should:

- Make clear public statements disavowing extrajudicial killings and asserting the primacy of rule of law and due legal process;
- Ensure that police operations against those in violation of the drug laws are carried out in full accordance with international human rights standards, including the use of force and firearms by law enforcement officials;
- Launch an urgent and impartial investigation into the steep rise in extrajudicial killings since President Duterte assumed office;
- Appropriately discipline or prosecute government officials who publicly endorse or incite extrajudicial killings as a form of “crime control.”

Torture

In the last UPR review in 2012, the Philippines accepted recommendations 129.17, 129.18, 129.19, 129.20, 129.21, on ending and preventing torture.

¹⁵ Ibid.

¹⁶ Phelim Kine, Philippine Police Killing Spree Demands Accountability, commentary, Human Rights Watch Dispatch, August 22, 2016, <https://www.hrw.org/news/2016/08/22/philippine-police-killing-spree-demands-accountability>.

¹⁷ Phelim Kine, “Philippines President Should Investigate Surging Police Killings,” commentary, Human Rights Watch Dispatch, August 17, 2016, <https://www.hrw.org/news/2016/08/17/philippine-president-should-investigate-surging-police-killings>.

¹⁸ Phelim Kine, (Human Rights Watch), “Asia’s Shoot-To-Kill-Republic,” commentary, *The Conversation*, July 22, 2016, <https://www.hrw.org/news/2016/07/22/asias-shoot-kill-republic>.

¹⁹ Ibid.

²⁰ Ibid.

State security forces, however, have continued to commit torture and other ill-treatment in custody.²¹ The passage in 2009 of the Anti-Torture Act was met with enthusiasm but has resulted in only one torture conviction to date.²² The Commission on Human Rights receives dozens of torture allegations that mainly implicate the Philippine National Police. There is also evidence that the military engages in torture of civil society activists and alleged insurgents in its custody.²³ In October 2013, Human Rights Watch documented the mistreatment of detainees, including children, by security forces in Zamboanga City in the southern Philippines.²⁴

On addressing torture, the Philippines should:

- Direct state security forces to stop the practice of torture and other ill-treatment;
- Investigate and fairly prosecute those implicated for engaging in torture and as a matter of command responsibility.

Enforced Disappearances

In its last UPR review in 2012, the Philippines accepted recommendation 129.13 to carry out impartial investigations into all allegations of enforced disappearances. Two bellwether tests of military impunity for enforced disappearances are the abduction and alleged torture of activists Karen Empeno and Sherlyn Cadapan in 2006.²⁵ Although police finally arrested retired Maj. Gen. Jovito Palparan for his alleged role in that crime, his trial is ongoing.²⁶ The case of Jonas Burgos, a peasant leader who was abducted by military personnel from inside a mall in Quezon City in April 2007 and has not been seen since is also emblematic of impunity for enforced disappearances.²⁷ The Supreme Court upheld a Court of Appeals ruling that found the military responsible for Burgos's abduction. Although police arrested in October 2013 an army major identified by witnesses as one of Burgos's abductors, the court has since released him on bail

²¹ Carlos H. Conde, "Probe Allegations of Philippines' Police Abuses," commentary, Human Rights Watch Dispatch, February 18, 2016, <https://www.hrw.org/news/2016/02/18/dispatches-probe-allegations-philippine-police-abuses>.

²² "Philippines: Historic ruling on police torture following Amnesty International campaign," Amnesty International, <https://www.amnesty.org/en/latest/news/2016/04/philippines-historic-ruling-on-police-torture-following-amnesty-international-campaign/> (accessed Aug. 12, 2016)

²³ "Philippines: Mistreatment, Hostage-Taking in Zamboanga," Human Rights Watch news release, September 19, 2013, <https://www.hrw.org/news/2013/09/19/philippines-mistreatment-hostage-taking-zamboanga>

²⁴ Ibid.

²⁵ "Philippines: Arrest Ex-General Accused of 'Disappearances,'" Human Rights Watch news release, January 31, 2012, <https://www.hrw.org/news/2012/01/31/philippines-arrest-ex-general-accused-disappearances>.

²⁶ Carlos H. Conde, "Palparan Arrest End of Aquino Apathy on Philippines' Impunity?" commentary, Human Rights Watch Dispatch, August 12, 2014, <https://www.hrw.org/news/2014/08/12/dispatches-palparan-arrest-end-aquino-apaty-philippines-impunity>.

²⁷ Carlos H. Conde, "Jonas Burgos' Long Wait for Justice," commentary, Human Rights Watch Dispatch, October 25, 2013, <https://www.hrw.org/news/2013/10/25/dispatches-jonas-burgos-long-wait-justice-philippines>.

and the military has failed to provide its full cooperation in efforts to locate the missing activist.²⁸

On addressing enforced disappearances, the Philippines should:

- Direct the military to cooperate fully in locating Jonas Burgos, Karen Empeno, Sherlyn Cadapan and all other victims of enforced disappearances;
- Investigate all allegations of enforced disappearances and prosecute military personnel and other officials implicated in such abuses.

Accountability for Security Forces

In the last UPR review in 2012, the Philippines accepted recommendations 129.31 and 129.32 to hold accountable security and government forces implicated in abuses.

Human Rights Watch has long documented abuses by Philippines police, military, and military-affiliated paramilitary groups including the Citizen Armed Force Geographic Units (CAFGUs) and the Special Civilian Armed Auxiliary (SCAA).²⁹ Widespread impunity continues for members of the security forces responsible for serious human rights violations in the Philippines.³⁰ According to the Department of National Defense, only one soldier has been convicted of a human rights abuse case since 2001, out of the hundreds of cases documented by domestic human rights groups.³¹ The Philippine police continue to be routinely implicated in human rights abuses including extrajudicial killings and torture.³²

On accountability for security forces, the Philippines should:

- Promptly, thoroughly and impartially investigate allegations of serious human rights violations by security forces, and appropriately discipline or prosecute those responsible, regardless of rank or position.
- Produce regular information on arrests and prosecutions of members of the security forces for alleged human rights violations.

²⁸ Ibid.

²⁹ Letter from Human Rights Watch to Philippines President Rodrigo Duterte, August 9, 2016, <https://www.hrw.org/news/2016/08/09/letter-hrw-president-rodrigo-duterte>.

³⁰ Carlos H. Conde, "Illegitimate Encounters," commentary, Human Rights Watch Dispatch, January 28, 2016, <https://www.hrw.org/news/2016/01/28/philippines-illegitimate-encounters>.

³¹ Ibid.

³² Carlos H. Conde, "Probe Allegations of Philippine Police Abuses," commentary, Human Rights Watch Dispatch, February 18, 2016, <https://www.hrw.org/news/2016/02/18/dispatches-probe-allegations-philippine-police-abuses>.

Indigenous Peoples

In the 2012 UPR review, the Philippines accepted recommendations 129.11 and 129.44 to protect indigenous peoples.

Tribal and environmental groups have accused the military of using local paramilitaries to help clear ancestral areas to pave the way for mining companies and other business interests.³³ Military operations against suspected New People's Army rebels have also displaced hundreds of students in several tribal schools in four provinces in Mindanao since 2010.³⁴ In 2015, domestic human rights groups alleged that the military conducted a series of attacks against indigenous peoples in Mindanao.³⁵

In March 2016, some 6,000 protesters, primarily indigenous peoples, farmers and supporters from drought-stricken areas in North Cotabato and Bukidnon provinces gathered in Kidapawan City calling for government food aid and other assistance. The police responded by shooting into the crowd, killing two people. The authorities have so far failed to investigate those killings.³⁶

On protecting the rights of indigenous peoples, the Philippines should:

- Instruct the Department of Justice to launch a thorough and impartial investigation into possible complicity of the military, paramilitary groups, and mining companies in attacks against indigenous peoples, leaders, and activists;
- Uphold international humanitarian law in conflict areas and ensure accountability of security forces implicated in abuses.

Reproductive Health Rights

In the 2012 review, the Philippines accepted recommendations 129.7, 129.8, 129.10, 129.40, 129.41 to promote women's health and reproductive rights.

In his July 25 State of the Nation Address, President Duterte pledged to "put into full force and effect" the Responsible Parenthood and Reproductive Health Law (the RH Law).³⁷ That support is greatly needed because on January 8, 2016, the Philippine Congress eliminated funding in the 2016 national budget for contraception guaranteed under the RH Law.³⁸ That decision cut vital

³³ "Philippines: Paramilitaries Attack Tribal Villages and Schools," Human Rights Watch news release, September 23, 2015, <https://www.hrw.org/news/2015/09/23/philippines-paramilitaries-attack-tribal-villages-schools>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ "Philippines: Credibly Investigate Police Shootings of Protesters," Human Rights Watch news release, April 8, 2016, <https://www.hrw.org/news/2016/04/08/philippines-credibly-investigate-police-shootings-protesters>.

³⁷ Transcript of July 2016 Philippines' State of the Nation Address, President Rodrigo Duterte, Manila, July 25, 2016, <http://www.rappler.com/nation/140860-rodrico-duterte-speech-sona-2016-philippines-full-text> (accessed August 24, 2016).

³⁸ Phelim Kine, "Backward Step for Philippine Women," commentary, Human Rights Watch Dispatch, January 11, 2016, <https://www.hrw.org/news/2016/01/11/dispatches-backward-step-philippine-women>.

support for lower-income Filipinos who rely on state-provided contraceptive services and supplies for protection from sexually transmitted infections, and for safe birth-spacing and family planning. The United Nations Population Fund has criticized the congressional action as a threat to “the basic human right to health as well as the right to reproductive choices.”³⁹

Human Rights Watch has also documented policies implemented by local government units (LGU) designed to derail the full enforcement of the RH Law. In Sorsogon City in the Bicol region, Mayor Sally Lee issued an executive order in February 2015 that declared the city as a “pro-life city.” Although the order does not explicitly prohibit family planning services and contraceptive supplies, health workers and advocates said that the city government gave oral guidelines to the city’s public clinics to cease the distribution of family planning supplies and instead promote only “natural” family planning methods such as the Catholic Church-approved “rhythm method.”

In Balanga City, the municipal government banned local public health officials and clinics from the procurement or distribution of contraceptive supplies. That interruption compelled low-income people to either buy them from pharmacies or clandestinely from local government-employed midwives at relatively high cost.

On protecting reproductive health rights and the rights of women, the Philippines should:

- Restore funding for family planning services and contraceptive supplies in the 2016 budget;
- Direct the Department of the Interior and Local Government to review and repeal directives issued by Sorsogon City and Balanga’s municipal government that undermine the right to health by restricting access to family planning services and contraceptive supplies;
- Investigate and appropriately discipline officials who violate the Philippine Responsible Parenthood and Reproductive Health Law and the Magna Carta of Women.

Children’s Rights

In the 2012 review, the Philippine government accepted recommendations 129.25, 129.3, 131.28, 129.42, 129.43, 131.5 on children’s rights to education and a safe environment.

Human Rights Watch has documented how thousands of Filipino children –some as young as 9 years old – risk their lives in small-scale gold mines, mostly financed by local businessmen.⁴⁰ Children work in unstable 25-meter-deep pits and dive underwater to mine along shores or in rivers. Children also work with mercury, a toxic metal that is commonly used to process gold.

³⁹ Ibid.

⁴⁰ “Philippines: Children Risk Death to Dig and Dive for Gold,” Human Rights Watch news release, September 29, 2015, <https://www.hrw.org/news/2015/09/29/philippines-children-risk-death-dig-and-dive-gold>.

Children are particularly susceptible to mercury, which attacks the central nervous system and can cause brain damage and even death.⁴¹

Attacks on schools by the military and its paramilitary group continue to be a concern. On September 1, 2015, the Magahat paramilitary group allegedly attacked a tribal school in Surigao del Sur province, torturing and killing an educator and two tribal leaders.⁴² The attack prompted an estimated 4,000 residents to flee their homes.⁴³

On protecting the rights of children, the Philippines should:

- Monitor and address child labor in small-scale gold mines, test and treat mercury children's exposure, and ensure that those using or benefiting from child labor are appropriately punished;
- Direct the police and local governments to stop detaining street children purely on the grounds of where they are found working, living, or spending time;
- Direct the police to investigate and prosecute the perpetrators of attacks on teachers or schools, such as those in Surigao del Sur in September 2015;
- Sign the Safe Schools Declaration.

HIV/AIDS Epidemic

The Philippines currently has the world's fastest-growing HIV/AIDS epidemic.⁴⁴ Although the national prevalence rate is still low, the country is experiencing a sharp rise in new infections.⁴⁵

That increase is linked to policies at the local, provincial, and national level, compounded by resistance of the Catholic Church and other elements hostile to sexual health education and condom use. They include obstacles to condom access and HIV testing, inadequate HIV prevention educational efforts, and the criminalization of hypodermic needle possession without a prescription.⁴⁶

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The main driver of this increase is unprotected sex among men who have sex with men (MSM), a population in which prevalence has increased 10 times in the last five years. In 2015, the

⁴¹ Ibid

⁴² "Killings of Philippines' Tribal Members Sparks Furor," commentary, Human Rights Watch Dispatch, September 8, 2015, <https://www.hrw.org/news/2015/09/08/dispatches-killings-philippine-tribal-members-spark-public-furor>.

⁴³ Ibid.

⁴⁴ "The Philippines' Unaddressed HIV Epidemic," commentary, Human Rights Watch Dispatch, May 17, 2016, <https://www.hrw.org/news/2016/05/17/dispatches-philippines-unaddressed-hiv-epidemic>.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Ibid.

Department of Health reported that at least 11 cities registered HIV prevalence rates among MSM of more than 5 percent, with one – Cebu City, in the central Philippines – recording a 15 percent prevalence rate in 2015.⁴⁸ There has also been an increase in Cebu City in HIV infection among pregnant women.⁴⁹ The government itself has noted that a 5 percent HIV prevalence rate is “extremely dangerous” because it is a “tipping point” at which the epidemic reaches a critical mass and becomes extremely difficult to control.⁵⁰

Transmission among people who inject drugs (PWIDs), while still low on a national level, is exploding in Cebu City, the second largest city, where PWIDs accounted for 77 percent of new HIV cases since 2012. Public health experts believe that many of these new infections are the result of sharing of needles – one of the most efficient ways in which HIV is transmitted from one person to another – by people who use drugs.⁵¹ Needle-sharing is linked to the criminalization of possession of a hypodermic needle without a prescription.

On addressing the country’s HIV/AIDS epidemic, the Philippines should:

- Instruct the Department of Health to launch a national condom-use promotion program that targets the particularly vulnerable MSM and PWID population segment, as well as women who may be partners of men at high risk;
- Reinstate the national harm reduction program supervised by the Department of Health, which empowered municipal governments to provide clean hypodermic syringes to intravenous drug users to discourage HIV transmission from needle-sharing.

⁴⁸ Ibid.

⁴⁹ Ana P. Santos, “Women and Children at Higher Risk of HIV ‘Downstream’ Infections,” February 15, 2016, <http://pulitzercenter.org/reporting/feature-women-and-infants-philippines-higher-risk-hiv-downstream-infections> (accessed September 2, 2016).

⁵⁰ Ana P. Santos, Veejay Villafranca, “Philippines: HIV Cases Could Reach 133,000 by 2022,” Pulitzer Center on Crisis Reporting, January 1, 2016, <http://pulitzercenter.org/reporting/dept-health-hiv-cases-could-reach-133000-2022> (accessed August 31, 2016).

⁵¹ “The Philippines’ Unaddressed HIV Epidemic,” commentary, Human Rights Watch Dispatch, May 17, 2016, <https://www.hrw.org/news/2016/05/17/dispatches-philippines-unaddressed-hiv-epidemic>

